IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 30103 of 2003(H)

PETITIONER:

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1. A. SUKUMARAN NAIR,
   AJANTA, T.C.30/192, N.S.S.ROAD,
   ANAYARA P.O., THIRUVANANTHAPURAM.

2. K. GANESAN,
   B.S. NIVAS, T.C.30/142,
   ANAYARA P.O., THIRUVANANTHAPURAM.

3. C. JABBAR KANNU,
   SALI MANZIL, T.C.34/311,
   BEACH P.O., THIRUVANANTHAPURAM.

4. M.V.SIVASANKARA PILLAI,
   MINI BHAVAN, T.C.76/1999,
   ANAYARA P.O., THIRUVANANTHAPURAM.

5. K. PRABHAKARAN NAIR,
   KARTHIKA, T.C.30/201, N.S.S. ROAD,
   ANAYARA P.O., THIRUVANANTHAPURAM.

6. V. RAVEENDRAN NAIR,
   GOKULAM, T.C.76/2083,
   ANAYARA P.O., THIRUVANANTHAPURAM.

7. R. KRISHNAN NAIR,
   JAYA NIVAS, T.C.14/1431,
   VAZHUTHACAUD, THYCAUD P.O.,
   THIRUVANANTHAPURAM.

8. M.S.RAMACHANDRAN NAIR,
   SREYAS, T.C.30/750, THULAYIL LANE,
   POTTAH P.O., THIRUVANANTHAPURAM.

9. K. MADHAVAN PILLAI,
   SUPRIYA, F-135, SWATHI NAGAR,
   FORT P.O., THIRUVANANTHAPURAM.

10. R. BHAGAVATHESWARAN,
LEKSHMI NIKETHAN, T.C.37/1770,
W.S.R.A.NO.1, WEST STREET,
FORT P.O., THIRUVANANTHAPURAM.

11. R. VELAYUDHAN NAIR,
RESHMI, T.C.27/84, RED CROSS ROAD,
THIRUVANANTHAPURAM.

12. R. SIVASANKARA PILLAI,
LAVANYA, T.C.2/1799, HOUSE NO. GRA-135,
GOUREESAPATTOM, PATTOM P.O,
THIRUVANANTHAPURAM.

13. F. MARKOSE,
LOYOLA COTTAGE, T.C.32/618(1),
TITANIUM P.O., VETTUCAUD,
THIRUVANANTHAPURAM.

14. M.AROGIUM,
SHERINE VILLA, T.C.32/675,
VETTUCADU, TITANIUM P.O.,
THIRUVANANTHAPURAM.

15. INNOCENT RAZARIO. K.,
MUKKONAVILAKAM, T.C.33/231,
VETTUKAD BEACH P.O., THIRUVANANTHAPURAM.

16. K. THANKAPPAN NAIR,
SOMALAYAM, T.C.31/3417,
ASRAMAM LANE, KOCHAR ROAD,
SASTHAMANGALAM P.O., THIRUVANANTHAPURAM.

17. C. VINCENT,
SHINY SADAN, T.C.22/1431,
KOCHUVELI, TITANIUM P.O.,THIRUVANANTHAPURAM.

18. V.K. RAJASEKHARA PRADAD,
JYOTHIS, T.C.8/1525, LEKSHMI NAGAR,
HOUSE NO.B-13, KESHAVADASAPURAM,
PATTOM P.O., THIRUVANANTHAPURAM.

19. T. SUKUMARAN NAIR,
ARANIAM, HOUSE NO. 93, ELANKOM GARDENS,
VELLAYAMBALAM, SASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM.

20. K. BHASKARA PILLAI,
BINDHU BHAVAN, T.C.13/2045,
ATTARA LANE, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM.

21. R. JANARDHANAN NAIR,
J.P. COTTAGE, T.C.7/1131, KOOTAMVILA ROAD,
VATTIYOORKAVU P.O., THIRUVANANTHAPURAM.

22. M. MANIKANTAN NAIR,
THEKKEVILA, T.C.23/1172, C.I.T. ROAD,
KARAMANA P.O., THIRUVANANTHAPURAM.

23. A HARIHARAN,
T.C.40/182, HOUSE NO. 150,
1ST PUTHAN STREET, MANCAUD P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. MANAGING DIRECTOR,
TRAVANCORE TITANIUM PRODUCTS LIMITED,
KOCHUVELI, THIRUVANANTHAPURAM.

BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE RESOLUTION OF THE BOARD MINUTES DATED 7.4.1998

EXT.P2 TRUE COPY OF THE JUDGMENT IN WA NO. 1418 OF 2000 OF THIS HON'BLE COURT DATED 21.7.2000

EXT.P3 TRUE COPY OF THE REPRESENTATION FILED BY THE ASSOCIATION BEFORE THE MINISTER FOR INDUSTRIES DATED 11.6.2001

EXT.P4 TRUE COPY OF THE ORDER NO. 15248/H3/2001/ID DATED 18.1.2002

EXT.P5 TRUE COPY OF THE LETTER NO. AC/GF/2002-2003 DATED 16.5.2002 TO THE FIRST PETITIONER.

EXT.P6 TRUE COPY OF THE LETTER NO. AC/GF/2002-03 DATED 5.6.2002 TO THE FIRST PETITIONER.

EXT.P7 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS' ASSOCIATION DATED 16.9.2002

EXT.P8 TRUE COPY OF THE SETTLEMENT OF GRATUITY TO MR. RAVICHANDRAN DATED 3.9.2002

EXT.P9 TRUE COPY OF THE LETTER O. 22152/H3/2003/ID DATED 27.6.2003 TO THE SECRETARY, TITANIUM EX-EMPLOYEES ASSOCIATION.

2ND RESPONDENT'S EXHIBITS:

EXT.R2(a) TRUE COPY OF COMPARATIVE STATEMENT OF GRATUITY

EXT.R2(b) TRUE COPY OF LETTER NO. 15248/H3/2001/ID DATED 18.1.2002 ISSUED BY THE GOVERNMENT.

EXT.R2(c) TRUE COPY OF LETTER NO. 22152/H3/2003/ID DATED 27.6.2003

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 30103 OF 2003

Dated this the 13th day of March, 2007

JUDGMENT

Petitioner has retired prior to coming into force of Ext.P1 formula for computation of gratuity benefit. However, counsel for the petitioners submitted that on their representation the company has decided to extend the benefit to those who retired prior to 7.4.1998 which is the date on which Ext.P1 came into force. What remains is stated to be Govt.'s approval for the same. If company has approved petitioners' claim and clearance is awaited from the Government, it is for the Govt. to consider company's recommendation and pass orders without any delay. In the circumstances, Government is directed to consider company's recommendation and pass orders within a period of two months from the date of production of a copy of this judgment by the petitioners.

(C.N.RAMACHANDRAN NAIR)
Judge